

# EXHIBIT 4

**MICHIGAN STATE**  
**U N I V E R S I T Y**

**MSU OFFICE OF INSTITUTIONAL EQUITY**  
**MANDATORY REPORTING FAILURE**  
**INVESTIGATIVE MEMORANDUM**

August 8, 2022

To: [AHR.OIE@msu.edu](mailto:AHR.OIE@msu.edu)

CC: Teresa Woodruff, Provost and Executive Vice President for Academic Affairs  
Ann Austin, Interim Associate Provost and Associate President for Faculty and Academic Staff Affairs  
Jennie Yelvington, Director of the Office for Faculty & Academic Staff Affairs

From: Allison Towe, Civil Rights Investigator

RE: Failure to Mandatory Report Protocols – Sanjay Gupta

OIE No: 2022-00907



**Office of  
Institutional  
Equity**

Olds Hall  
408 W. Circle Drive  
Suite 4  
East Lansing, MI  
48824-1046

517-353-3922  
Fax: 517-884-8513  
[www.oie.msu.edu](http://www.oie.msu.edu)

Michigan State University's Relationship Violence and Sexual Misconduct and Title IX Policy ("RVSM Policy") required University employees (with specific exceptions) to promptly report relationship violence, stalking, and sexual misconduct. Potential failures to report are investigated by the Office of Institutional Equity (OIE).<sup>1</sup> OIE is required to document its findings in a memorandum, which must be sent to the employing unit.

OIE received information that MSU employee, Sanjay Gupta, may have failed to adhere to reporting obligations. Information and findings by OIE are documented in this memorandum.

**Background**

On April 23, 2022, OIE received information that Charles Hadlock, a professor with the Eli Broad College of Business became heavily intoxicated and may have sexually harassed and/or sexually assaulted one or more students. The incident took place at the MBA Gatsby Gala located at the Studio @ 414 and was reportedly witness by several attending students. On July 28, 2022, OIE initiated a formal investigation to review this matter.<sup>2</sup>

<sup>1</sup> RVSM and Title IX Policy, Section VI.

<sup>2</sup> Prior to the initiation of the investigation OIE spoke with several individuals to gather additional information before determining if appropriate to imitate a formal investigation and subsequently conduct investigative interviews.

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On June 20, 2022 a meeting to discuss Hadlock's behavior took place involving Gupta, Faculty and Academic Staff Affairs (FASA) and Office of Support and Equity. During the meeting Gupta revealed Hadlock had spoken to him about the event. Specifically, it was reported Hadlock had notified Gupta that he had overdrank and had acted inappropriately. He further revealed he may have "pertinent" information to share with OIE about the conduct. Despite receiving this information no complaint was made by Gupta to OIE at any time.

OIE confirmed with Jay Miller, Department Online Education Specialist with the Office of Civil Rights & Title IX Compliance Prevention, Outreach and Education, that Gupta completed online training about mandatory reporting on September 2, 2021. The training is valid for two (2) years, expiring on September 2, 2023. Therefore, Gupta was up to date on his training at the time of the reported conduct.

### **Sanjay Gupta**

OIE met with Gupta via telephone on June 22, 2022. Gupta was advised he was being contacted for information involving a potential mandatory reporting failure. OIE advised Gupta he was not obligated or required to speak with OIE and that information shared would not be confidential.

Gupta reported Hadlock had approached him after the MBA Gala event and stated he was "very sorry" for his behavior at the event. Specifically, that he had drank too much and "something happened that should not have." Gupta recalled Hadlock did not provide any further details at that time, nor did he ask for additional information.<sup>3</sup>

Richard Saouma, Associate Dean, and Wayne Hutchinson, Director of the MBA program, also approached Gupta following the event. Gupta recalled they did not witness the reported conduct, but it was reported by several students that Hadlock had behaved in a way that was "inappropriate". Gupta recalled Saouma and Hutchinson were "taking care of it" and would update him with additional information as they receive it.

Gupta stated Hutchinson and Saouma only indicated students reported Hadlock being drunk and "misbehaving", but no further details were provided.<sup>4</sup> As he did not have reason to believe "misbehaving" or "inappropriate behavior" was sexual in nature, Gupta did not believe there was an obligation to report.

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<sup>3</sup> Gupta stated he knew the conduct took place at the programs end of the year party and that is why he chose not to ask follow-up questions.

<sup>4</sup> Gupta encouraged OIE to connect with Hutchinson as he had the most information about the event and the conduct that took place.

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**Wayne Hutchinson**

OIE met with Wayne Hutchinson via telephone on June 30, 2022 via telephone. OIE advised Hutchinson he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised Hutchinson he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy's retaliation provision protecting individuals that provide information.

Hutchinson learned about Hadlock's conduct at the MBA Gatsby Gala from students who attended the Gala. After learning the information, he stated he contacted Associate Dean, Richard Saouma who stated the was going to file a report of the conduct to OIE.<sup>5</sup>

The day after reporting to Saouma, Hutchinson received a phone call from Dean Gupta while driving home from campus.<sup>6</sup> Hutchinson estimated the call lasted between five (5) and seven (7) minutes. Gupta had contacted him to ask questions about what had happened at the Gala as it had been reported to him by Saouma. Hutchinson stated he participated in the Gala, but he was not at the event at the time of the reported conduct. However, it was reported to him by several students that Respondent was "behaving inappropriately to students" after faculty had left<sup>7</sup>. Hutchinson stated it was his understanding Hadlock was the only faculty member remaining and that he was dancing "suggestively" with students and may have touched one of them. Hutchinson explained students reported Hadlock would approach several students, begin dancing with them, and they would ask him to stop. Each time Hadlock was asked to stop he did and would leave the area. However, he continued this behavior throughout the night.

Hutchinson noted although he reported the sexualized behavior to Gupta, they spent most of their time discussing alcohol on site, and the potential intoxication level of Hadlock at the time of the reported conduct. Hutchinson explained stated it was his understanding there was an open bar at the event, however the University was not responsible for the alcohol sales. Specifically, the alcohol was purchased with private funds by the student organizers.<sup>8</sup> Hutchinson stated he made it clear to Gupta Hadlock's behavior was sexual in nature and that subsequent OIE reports would be filed. Gupta expressed disappointment in the situation, suggested instituting a plan to govern drinking at similar events and stated he would be following up with Associate Dean Saouma.

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<sup>5</sup> Hutchinson could not recall the exact date in which he reported to Saouma but stated it was between April 22 and April 28.

<sup>6</sup> Hutchinson did not recall the specific date in which they spoke.

<sup>7</sup> Hutchinson stated he explained to Gupta the information was second and/or third hand.

<sup>8</sup> Hutchinson commented the University paid the deposit for the venue of and for the catering. However, they did not approve or pay for the open bar. Hutchinson commented this was not common practice as drinking at said events is a "slippery slope."

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Following the call, Hutchinson noted Gupta sent an email on June 23, 2022 to him and Saouma notifying Hadlock was not to interact with students in person “until further notice”.<sup>9</sup>

### **Richard Saouma**

OIE met with Richard Saouma via telephone on June 30, 2022 via telephone. OIE advised Saouma he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised Saouma he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy’s retaliation provision protecting individuals that provide information.

Saouma stated he did not speak directly with any of the students who witness Hadlock’s behavior at the MBA Gatsby Gala. Rather, he was notified of the behavior by Wayne Hutchinson. Saouma recalled he could not say definitively that he used Hadlock’s name when he reported to Gupta. However, he reported to there was inappropriate behaviors by a “faculty member”. Specifically, that the faculty member dancing inappropriately and said behavior would be reported to OIE.

As he did not have specific details about the reported conduct it was Saouma’s understanding Gupta contacted Hutchinson via telephone after they spoke. During this conversation Hutchinson “filled in the gaps” about the specific conduct and identified the faculty member as Charles Hadlock.

### **OIE Findings**

Mandatory reporting protocols are critical to ensure the University responds to reported incidents in a timely manner. Failure to report can have significant impact on individuals and the MSU community.

OIE reviewed all the collected information. Based on the information available, OIE has determined Sanja Gupta violated the mandatory reporting obligations pursuant to the RVSM Policy. Gupta acknowledged Hadlock came to him to report he had behaved inappropriately. Further two of Gupta’s staff reported the behavior in which Hadlock engaged in was sexual in nature and that he may have inappropriately touched a student or students.

Although Gupta denies information provided to him was sufficient to file a report with OIE, Saouma and Hutchinson statements strongly support otherwise. OIE respectfully recommends the Mandatory Reporting Policy and requirements be reviewed with Gupta as a refresher of when it is appropriate to report to OIE.

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<sup>9</sup> Hutchinson forwarded this email to OIE prior to the conclusion of his report.

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**Obligation of Employing Unit**

Employees who fail to adhere to reporting obligations are subject to disciplinary action. Any discipline is to be handled by the employing unit in accordance with applicable employee disciplinary policies and procedures. **The employing unit is *required* to notify OIE of any discipline *or* actions taken regarding Sanjay Gupta as a result of the information and findings in this memorandum.**

Please let me know if you have any questions and/or concerns.

Sincerely,

Allison Towe  
Civil Rights Investigator  
Office of Institutional Equity  
Michigan State University  
517.353.3922